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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 10 (d) of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Chairman-Rapporteur: Mr. Jorge Rhenán Segura (Costa Rica)

1. At its 18th meeting, on 5 November 1993, the working group agreed to the Chairman-Rapporteur's proposals as to the format and content of the report to be submitted to the Commission on Human Rights at its fiftieth session. It was also decided that additional proposals and comments received in the meantime would be considered by the working group at its last meeting in February 1994 when it will adopt its report.

2. Consequently, at the 19th meeting of the working group, on 3 February 1994, the group considered those additional comments and suggestions contained in document E/CN.4/1993/WG.11/CRP.2.

3. As was noted, some of the comments and proposals had been submitted at the 18th meeting of the working group on 5 November 1993, and subsequently included in its report (E/CN.4/1994/25).

4. The comments and proposals as adopted by the working group at its last meeting, on 3 February 1994, are reproduced below.

ADDITIONAL COMMENTS AND SUGGESTIONS CONCERNING THE REPORT OF THE WORKING GROUP ON THE DRAFT OPTIONAL PROTOCOL INCLUDED IN ITS FINAL REPORT

Paragraph 5

Delete the last sentence starting with the words "The adoption of ...".

Paragraph 20

After the fourth sentence starting with the words "The representative of the Committee against Torture..." insert the following new sentence: "As a member of the European Committee for the Prevention of Torture, he also elucidated relevant aspects of its activity".

Paragraph 39 - second sentence

Replace the words "One delegation" by the words "Some delegations".

Paragraph 56 - last sentence

Replace the word "agreed" by the word "proposed".

Paragraph 63 - first sentence

Replace the word "Few" by the word "Some".

Paragraph 64

After the second sentence insert the following text: "Various delegations explained that the Committee against Torture deals with cases in which torture is systematically practised by a State party (art. 20 of the Convention) and that, accordingly, there should not be duplication of its functions with those of the Subcommittee. Some delegations commented that, in addition to periodic visits, follow-up visits might be considered, and agreed upon by the Subcommittee, with a State party concerned. These visits should not interfere with the programme of regular visits".

Chapter VI should be renumbered chapter IV.

Paragraph 82

Replace the text of this paragraph with the following:

"The report with proposed amendments and additions was adopted at the 19th meeting of the working group, on 3 February 1994."

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